

REMARKS

Claims 1-7 and 9-12 are all the claims pending in the application. Claims 1 and 2 have been amended to change "even when" to "wherein when" and to incorporate claim 8, which has been canceled. Claim 10 has been amended to recite Markush language and Claim 11 has been amended to recite a step of jetting an ink of the inkjet recording ink set. Except for the incorporation of claim 8, the amendments are directed to form only.

Entry of the above amendments is respectfully requested.

I. Response to Rejection Under 35 U.S.C. §112

Claims 10 and 11 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

The Examiner states that the the phrase "selected from" in claim 10 is considered indefinite and is improper Markush language and suggests the language "selected from the group consisting."

Without acquiescing in the merits of the rejection, claim 10 has been amended to recite Markush language.

In addition, the Examiner states that the term "using" is indefinite. The Examiner suggests incorporating definite ink jet printing steps into this claim to overcome the rejection.

Claim 11 has been amended to positively recite a step of jetting an ink of the inkjet recording ink set.

In view of the above amendments, it is respectfully submitted that the §112 rejection has been overcome. Accordingly, withdrawal of the rejection is respectfully requested.

II. Response to The Double Patenting Rejection Over copending Application No. 10/503,894

Claims 1-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 8-11, 13, 15, 18, 20 and 24-26 of copending Application No. 10/503,894 (US 2005/0178288).

Applicants respectfully traverse the rejection and submit that claims 1-12 are not obviousness in view of claims 1, 8-11, 13, 15, 18, 20 and 24-26 of copending Application No. 10/503,894.

Claim 1 recites "each ink contains at least one dye having an anionic group, and wherein when any two inks in the ink set are mixed" and claim 2 recites "each of the inks contains at least one dye having an anionic group, and even when any three inks in the ink set are mixed."

Copending Application No. 10/503,894 does not claim a mixture of two or more dyes or that the dyes must be anionic dyes. Therefore, it is respectfully submitted that the present claims are not obvious over copending Application No. 10/503,894.

In view of the above, withdrawal of the nonstatutory obviousness type rejection is respectfully requested.

III. Response to The Double Patenting Rejection Over copending Application No. 10/807,442

Claims 1-11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 9-14 of copending Application No. 10/807,442.

Applicants respectfully traverse the rejection and submit that claims 1-11 are not obvious over claims 1 and 9-14 of copending Application No. 10/807,442.

Claim 1 recites "each ink contains at least one dye having an anionic group" and claim 2 recites "each of the inks contains at least one dye having an anionic group."

Copending Application No. 10/807,442 does not claim that the dyes must be anionic dyes. Therefore, it is respectfully submitted that the present claims are not obvious over copending Application No. 10/807,442.

In view of the above, withdrawal of the nonstatutory obviousness type rejection is respectfully requested.

IV. Response to The Rejection Under 35 U.S.C. §102

Claims 1-5, 7 and 11 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kabalnov (US 6,261,350).

Applicants respectfully traverse the rejection and submit that Kabalnov does not disclose the present invention.

The present invention according to claim 1 is an inkjet recording ink set comprising at least two inks, wherein each of the inks contains at least one dye having an anionic group, and wherein when any two inks in the ink set are mixed, precipitation of the dye does not occur, wherein at least one dye of the dyes having an anionic group is a dye having at least two heterocyclic groups. The present invention according to claim 2 is an inkjet recording ink set comprising at least three inks, wherein each of the inks contains at least one dye having an anionic group, and even when any three inks in the ink set are mixed, precipitation of the dye does not occur, wherein at least one dye of the dyes having an anionic group is a dye having at least two heterocyclic groups. Thus, in the present invention, at least one dye of the dyes having an anionic group is a dye having at least two heterocyclic groups.

The Examiner states that Kabalnov teaches an ink jet ink set of the present invention. However, Kabalnov does not disclose a dye having an anionic group and at least two heterocyclic groups.

Hence, Kabalnov fails to anticipate the present invention according to claims 1 and 2.

In addition, each of claims 3-5, 7 and 11 depend from claim 1. Thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 1.

In view of the above, withdrawal of the rejection is respectfully requested.

V. Response to The Rejection Under 35 U.S.C. §103

Claims 1, 2, 4, 5 and 11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berger et al. (US 2004/0163568).

Applicants respectfully traverse the rejection and submit that Berger does not teach or suggest the present invention.

As discussed above, in the present invention according to claims 1 and 2, at least one dye of the dyes having an anionic group is a dye having at least two heterocyclic groups.

Berger does not disclose a dye having an anionic group and at least two heterocyclic groups. Therefore, Berger fails to teach or suggest the present invention according to claims 1 and 2.

In addition, each of claims 4-5 and 11 depend from claim. Thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 1.

In view of the above, withdrawal of the rejection is respectfully requested.

VI. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-7 and 9-12 is

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/806,453

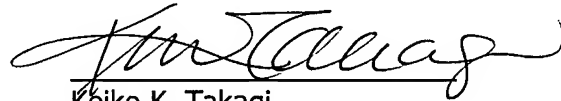
Attorney Docket Q80636

respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Keiko K. Takagi
Registration No. 47,121

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 20, 2006